IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No.2084 OF 2007

Umesh S. Kurhade ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr Debajyoti Talukdar with Amol A Deshpande for the applicant.

Ms M. H. Mhatre, APP for the State.

CORAM: V.C. DAGA,J.
DATED: 10TH JULY, 2007.

P.C.:-

1. Heard learned counsel for applicant and learned counsel for the State.

2. Perused application and material available on record.

3. Learned counsel for the applicant submits that if the statement of the prosecutrix is minutely examined together with the statement of her husband namely; Narsing Narayan Pawar, the prosecutrix was a consenting party. In support of his submission he placed reliance on the judgments of **Uday vs. State of Karnataka 2003 SAR (Criminal) 272** and **Mohanlal Vs. State of Rajasthan 2002 10 SCC 14.**

4. Learned APP opposed grant of bail

contending that the alleged consent is based on financial allurement which were never fulfilled by the accused, hence consent cannot be inferred.

5. Considering the rival submissions made and the law laid down by the Apex Court, in my opinion, the applicant has made out prima facie case for grant of bail.

6. In the above view of the matter, the applicant is granted bail in the sum of Rs. 50,000/- with one or two sureties to make up the amount of bail in C.R.No.38 of 2007 on the following conditions:

(a) that he should report to Khadak Police Station, Pune once in a fortnight i.e. on every first and third Monday between 3.00 to 5.00 p.m.

(b) the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(c) the applicant shall not pressurise

witnesses or prosecutrix and that he shall co-operate with the Investigating agency, if required.

7. The application is allowed in the above terms.

(V.C. DAGA,J.)